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RUEHKM/AMEMBASSY KAMPALA 2642  
RUEHKH/AMEMBASSY KHARTOUM 1901  
RUEHLO/AMEMBASSY LONDON 2676  
RUEHFR/AMEMBASSY PARIS 2608  
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C O N F I D E N T I A L SECTION 01 OF 02 NAIROBI 000515

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FOR THE SECRETARY AND A/S FRAZER FROM THE AMBASSADOR

E.O. 12958: DECL: 02/20/2018

TAGS: [PREL](#) [PGOV](#) [KDEM](#) [KE](#)

SUBJECT: KENYAN TALKS MOVE FORWARD

REF: NAIROBI 486 AND PREVIOUS

Classified By: Ambassador Michael Ranneberger for reasons 1.4 (b,d)

¶1. (SBU) Summary. The Secretary's February 18 visit has propelled the talks forward. Discussion of the structure of a coalition government has begun. However, Raila Odinga remains concerned that the government is seeking a minimalist outcome and threatened to resume mass action within a week if there is not significant progress in the negotiations. End summary.

¶2. (C) Developments during February 19-20 confirm that the Secretary's visit February 18 had a major impact in moving

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the Kenyan electoral crisis talks forward. While the talks had made progress, they were, at the point of the Secretary's visit, stalled over discussion of the governance structure. The talks had reached agreements on joint steps to end violence, facilitation of humanitarian relief, and agreement to an independent commission to investigate electoral irregularities. However, the two sides were fundamentally apart over the issue of forming a coalition government.

¶3. (C) Following the Secretary's visit and the firm message she delivered on the need to form a coalition government (reported septels), the talks advanced. On February 19 the two sides began discussion of modalities for a coalition. Two sub-committees have been formed. One is discussing the roles and responsibilities of the President, Vice President, and the position of Prime Minister that will be established, and the composition of the cabinet. The other sub-committee is examining the appropriate legal and constitutional means to put in place the coalition structure.

¶4. (C) Kofi Annan told me the evening of February 19 that he met with President Kibaki earlier that day to follow-up on the Secretary's visit and to push for movement in the talks. Annan met Odinga the afternoon of February 18. Annan said that he is satisfied with the progress being made. He said that the Secretary's visit had a decisive impact and again expressed great appreciation.

¶5. (C) Following Annan's meeting with Kibaki, the President issued a statement reaffirming his support of the mediation process. He also stated that he supports a comprehensive review of the constitution within twelve months. Kibaki

reportedly told the government's Members of Parliament on February 19 that he supports the concept of a "grand coalition," but he has not stated this publicly. Odinga told me late on the 19th that he believes the government still wants to achieve a minimalist solution which will seek to severely limit his role as prime minister, and to maintain Kibaki's total control over all cabinet appointments. In an apparent attempt to move Kibaki off of this position, ODM announced at a press conference on February 20 that it would stage mass protests if there has not been substantial progress in the negotiations within one week.

¶6. (C) The very positive and extensive media coverage of the Secretary's visit (reported septel) reflects the perception

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of the Kenyan people that U.S. involvement is crucial to achieve a political solution to the crisis.

¶7. (C) I am following up the Secretary's visit through intensive meetings with members of both negotiating teams, and with key Parliamentarians and others who are in a position to influence the positions of the two sides. Mutula Kilonzo -- the constitutional lawyer on the government's negotiating team who talked at length during the Secretary's meeting with Kibaki )- told me the evening of February 19 that he is determined achieve success in the talks through agreement to form a coalition government. He confirmed that Martha Karua, the Minister of Justice and head of the negotiating team, remains difficult, but he believes her position is slowly evolving in response to pressure.

¶8. (C) While the talks are moving forward, much heavy lifting remains to be done in order to put together a coalition structure acceptable to both sides. Annan made clear that he views the U.S. role as vital to achieving a successful outcome.

NAIROBI 00000515 002 OF 002

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